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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,800	09/08/2003	Eric C. Peters	A1992007DC2	1582

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EXAMINER

FLETCHER, JAMES A

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

07/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/657,800

Applicant(s)

PETERS ET AL.

Examiner

JAMES A. FLETCHER

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Claims 1-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 6 May 2008.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Yagasaki et al (5,835,672).

Regarding claims 16 and 18, Yagasaki et al disclose an apparatus and method for compressing video information comprising:

- means and step for receiving data indicative of whether consecutive images in the video information are redundant (Col 7, lines 7-8 "The 2-3 pull-down detection circuit 102 generates the duplication detection signal DDS");
- means and step responsive to the received data for removing at least one of the substantially redundant consecutive images (Col 3, lines 20-22 "the method may additionally eliminate the duplicate fields from the input video signal");

- means and step for compressing the video information without the substantially redundant consecutive images (Col 21, lines 56-58 “the compression efficiency is further increased by not coding each duplicate picture, and by including a skip picture flag in the coding apparatus output signal instead”); and
- means and step for storing the compressed video information and the data indicative of the substantially redundant consecutive images (Col 21, lines 59-61 “Recording a video signal coded as just described on the recording medium of the present invention uses the recording capacity of the recording medium more effectively”).

Regarding claim 17, Yagasaki et al disclose an apparatus and method for compressing video information wherein the data indicative of the substantially redundant consecutive images is stored in association with the compressed video information (Col 21, lines 56-58 “the compression efficiency is further increased by not coding each duplicate picture, and by including a skip picture flag in the coding apparatus output signal instead”).

Regarding claim 19, Yagasaki et al disclose a method for compressing video information wherein the data indicative of the substantially redundant consecutive images is stored in association with the compressed video information (Col 3, lines 32-36 “a skip-picture flag is included in the coded signal in lieu of each eliminated duplicate picture, and a reference picture code identifying a field to be copied to provide each eliminated duplicate picture is also included in the coded signal”).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yagasaki et al.

Regarding claims 20 and 21, Yagasaki et al disclose a method and apparatus for decompressing stored and compressed digital video information having a frame rate corresponding to 24 frames per second (Col 2, line 4 "A motion picture film source with a 24 Hz frame rate"), wherein the compressed digital video information was generated by eliminating substantially redundant consecutive images in uncompressed digital video information originating from a video signal having a frame rate of 29.97 frames per second (Col 3, lines 20-22 "the method may additionally eliminate the duplicate fields from the input video signal"), wherein the compressed digital video information has associated information indicating where the substantially redundant consecutive images were located in the uncompressed digital video information (Col 3, lines 32-34 "a skip-picture flag is included in the coded signal in lieu of each eliminated duplicate picture"), the method comprising:

- means and step for receiving the associated information indicating where the substantially redundant consecutive images were located in the uncompressed digital video information (Col 3, lines 61-62 "the skip picture

flag and the reference picture code are extracted from the coded video signal");

- means and step for decompressing the compressed digital video information to provide corresponding decompressed digital video information at a frame rate of 24 frames per second (Col 8, lines 14-16 "The decoder 113 also decodes the coded picture signals in the decoder input signal VD3"); and
- means and step for generating a video signal having a frame rate of 29.97 from the decompressed video signal by reintroducing the substantially redundant consecutive images according to the received information (Col 3, lines 64-66 "the picture indicated by the reference picture code is copied in response to the skip picture flag to restore an eliminated duplicate picture to the output video signal").

Yagasaki et al disclose a field rate of 60 Hz (Col 2, lines 5-6 "a 60 Hz field rate, such as an NTSC video signal"). The Examiner notes that the use of a 60 Hz field rate is identical to a 30 Hz frame rate, and takes official notice that the use of a 30 Hz frame rate to indicate an NTSC frame rate of 29.97 Hz frame rate is understood by those of ordinary skill in the art to be an obvious usage of terms.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES A. FLETCHER whose telephone number is (571)272-7377. The examiner can normally be reached on 7:45-5:45 M-Th, first Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2623

JAF
24 June 2008